

REMARKS/ARGUMENTS

Reconsideration by the Examiner is respectfully requested in light of the foregoing amendments and the remarks which follow.

The amendment to claim 6 is believed to overcome the section 112 rejection. The amendment to claim 1 defines the structure of the sound absorber in greater detail and further distinguishes the invention over the cited prior art.

Claims 1-8 have been rejected as unpatentable over GIESSBÜHLER US 6,006,484 in view of NELSON US 4,989,688.

GIESSBÜHLER discloses an acoustic panel having a planting 18 and a glass fiber insulating mat 36, as well as posts 26, 32 to form an air filled hollow space 16 between absorber 36 and second plate 20.

NELSON discloses an acoustic panel (Fig. 3B and 4B) having a medial plane in which a plate 251 of viscoelastic material is disposed. The plate 251 is separated from two external panels (confinement layers 213 - 219, Fig. 4B) by grids 221 a - 221b that are filled with insulation media 231.

Consequently, if GEISSBÜHLER discloses an insulating panel having a first plate, a glass fiber insulating mat and an air space with a second plates 18 and 20 whereas in the claimed device, the spacer elements create an air gap between the baking plate and the absorber.

In NELSON, the plate of viscoelastic material is not part of a sandwich in which it is disposed between the first plate and a backing plate. Rather, it is spaced from confinement layers 213 - 219 and the spaces there between are filled with a sound absorbent material in direct contact with the plate of viscoelastic material.

Curve III shows that the performances are as good or better than for curve II, although for curve III the thickness of the sheet 17 of viscoelastic material (0.5 mm) is half that of sheet 17 for curve II (1 mm), and the backing plate is only 0.3 mm thick for curve III instead of 0.5 mm for curve II.

The difference comes from the fact that the backing plate 10 between the sheet 17 of viscoelastic material and the sound absorber is embossed to create an air gap between the

Appl. No.: 10/537,036
Amdt. dated December 21, 2007
Reply to Office Action of August 30, 2007

backing plate and the sound absorber, and as a consequence an air gap between the plate of visoelectic material and the sound absorber.

Then, the claimed acoustic panel (first wall plate of viscoelastic material, backing plate carrying spacer elements sound absorber, second wall) provides between the first wall and the sound absorber a sandwich with a plate of viscoelastic material and a backing plate with spacer elements to create an air gap between the hacking plate and the sound absorber which allows a significant saving in weight, or much improved performances for a same weight.

Thus, the combination of features defined in claim 1 as now presented is not taught or made obvious by either GEISSBÜHLER or by NELSON or by any combination of these two references. Accordingly reconsideration by the Examiner and withdrawal of the rejection are solicited.

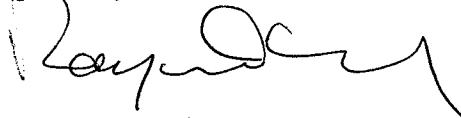
Consideration Of Previously Submitted Information Disclosure Statement

It is noted that an initialed copy of the PTO Form 1449 that was submitted with Applicants' Information Disclosure Statement filed concurrently with the filing of this application has not been returned to Applicants' representative with the Office Action. The Examiner indicated that the information disclosure statement does not include an explanation of the relevance of the references. These references were cited by applicant because they appear in the corresponding International Search Report in the parent PCT application and the relevance of each reference is indicated on the International Search Report itself. It should be noted that all of the cited references were indicated as "Category A" i.e. as background and not considered particularly pertinent.

Appl. No.: 10/537,036
Amdt. dated December 21, 2007
Reply to Office Action of August 30, 2007

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Raymond O. Linker, Jr.
Registration No. 26,419

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON DECEMBER , 2007.

LEGAL02/30647331v1